

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGRH

R.S.A. No. 3211 of 2006
Date of decision: January 8,2007

Ram Kumar V. Smt.Shanti and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Ajay Jain,Advocate, for the appellant.

Viney Mittal,J.(Oral)

The plaintiff has concurrently failed before the two Courts below and is in second appeal.

The plaintiff filed a a suit for declaration claiming that he is owner in possession of the suit land and the decree dated April 2,1990 in favour of defendant No.2, Randhir Singh, was never suffered by him and is a result of fraud. The plaintiff pleaded that in the earlier suit filed by Randhir Singh, Ram Kumar (present plaintiff) was arrayed as a defendant. However, Ram Kumar had never engaged any counsel and was not served with a notice of the said suit. As such, the decree dated April 2,1990 was a result of fraud and was not binding upon the plaintiff.

Both the courts below have held that the plaintiff has not led any evidence that the signatures/thumb impression in the earlier proceedings resulting into the decree dated April 2,1990 were not that of the present plaintiff,Ram Kumar. The plaintiff, in fact, led no evidence in the shape of handwriting expert to prove the aforesaid fact. Consequently, the two Courts below have rejected the claim made by the plaintiff.

Nothing has been shown that the findings recorded by

the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 8,2007
sks

(Viney Mittal)
Judge